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2003-04 Statistics

The following are statistics related to the operations of the Appeals Branch covering the period April 1, 2003 to March 31, 2004.

The Branch participated in 37 appeals heard by the Court of Appeal.

Of this number:

- 9 were initiated by the Crown
- 28 were initiated by the offender
- 6 involved young offenders

Of the 9 appeals initiated by the Crown:

- 3 dealt with acquittals
- 4 dealt with sentence
- 2 dealt with the refusal of DNA orders

Of the 28 appeals initiated by offenders:

- 17 dealt with conviction only
- 2 dealt with sentence only
- 9 dealt with conviction and sentence

The Appeals Branch also participated in 16 appeals which were abandoned, quashed or dismissed without a full hearing in the Court of Appeal.

Of these:

- 5 were initiated by the Crown
- 11 were initiated by offenders.

The Appeals Branch also participated in 114 Chambers motions—applications heard by a single judge of the Court of Appeal. Chambers motions include applications for hearing dates, adjournments, bail pending appeal, extensions of time for appeal, directions in appeals, and striking appeals from the Court's docket. The Appeals Branch filed two notices of application for leave to appeal to the Supreme Court of Canada. The Appeals Branch received decisions from the Supreme Court in three leave applications, two initiated by the Crown and one by the defence.

Counsel in the Appeals Branch continued to be involved in a

lengthy judicial proceeding involving a violation of the Crown Lands Act. The accused, all aboriginals in Nova Scotia, were convicted at trial in Provincial Court on charges of illegally cutting timber on Crown lands. The defendants had claimed aboriginal title to the land and treaty rights to cut and collect timber. The trial record was lengthy - approaching 30,000 pages of transcripts and exhibits. A summary conviction appeal to a judge of the Supreme Court of Nova Scotia was dismissed in 2002 and a further appeal to the Nova Scotia Court of Appeal was argued over four days in March, 2003. In the autumn of 2003, the Court of Appeal handed down its decision in which the Court allowed the appeal by the defendants and ordered a new trial. The Crown filed an application for leave to appeal to the Supreme Court of Canada.

106-05036/

Criminal Code Cases Prosecuted by Office
Provincial Statute Cases Prosecuted by Office

Criminal Code Cases Prosecuted by Office by Category of Offence

CRIMINAL CHARGE	Halifax	Dartmouth	Amherst	New Glasgow	Truro	Antigonish
Homicide & Related	2	4	3	0	0	0
Attempted Murder	2	1	0	0	0	5
Robbery	171	46	12	8	30	4
Sex Assault	63	60	25	28	21	9
Sex Abuse	39	49	10	4	18	0
Kidnapping	26	26	10	1	12	1
Abduction	0	0	0	0	1	0
Break & Enter	261	103	59	68	123	34
Weapons	338	170	35	38	58	11
Fraud	445	277	143	87	157	24
Major Assault	394	212	66	60	96	14
Minor Assault	720	624	163	176	252	51
Theft	1,041	540	175	202	278	51
Stolen Property	1,068	536	61	53	291	8
Arson	17	53	3	4	8	1
Mischief	371	181	91	79	181	92
Morals - Sex	55	27	2	4	8	1
Morals - Gambling	0	0	3	0	0	0
Public Order	35	19	20	5	22	2

CC Traffic	112	86	36	33	53	16
Admin. Justice	2,352	1,363	325	307	675	220
Impaired Driving	536	560	162	215	352	213
Other Criminal Code	719	495	104	85	172	50
Unknown	0	0	0	0	0	0
TOTALS	8,767	5,432	1,508	1,457	2,803	807

Criminal Code Cases Prosecuted by Office by Category of Offence (Continued)

CRIMINAL CHARGE	Kentville	Digby	Yarmouth	Bridgewater	Sydney	Port Hawkesbury	PROV. TOTALS
Homicide & Related	0	1	0	0	7	0	**17**
Attempted Murder	3	0	2	2	10	0	**25**
Robbery	4	6	5	5	16	0	**307**
Sex Assault	37	25	38	25	97	23	**451**
Sex Abuse	14	10	12	14	38	16	**224**
Kidnapping	9	3	2	16	32	3	**141**
Abduction	0	0	0	0	0	0	**1**
Break & Enter	157	227	100	109	172	70	**1,483**
Weapons	62	60	64	62	115	20	**1,033**
Fraud	244	62	83	89	257	18	**1,886**
Major Assault	98	48	91	74	284	48	**1,485**
Minor Assault	232	130	217	200	742	128	**3,635**
Theft	245	92	134	112	382	133	**3,385**
Stolen Property	119	29	101	56	163	16	**2,498**
Arson	1	4	5	4	14	4	**118**
Mischief	123	46	123	102	282	152	**1,823**
Morals - Sex	2	1	5	1	10	4	**115**
Morals - Gambling	0	0	1	0	0	1	5
Public Order	27	7	70	22	50	35	**314**
CC Traffic	63	19	28	38	57	14	**555**
Admin. Justice	541	305	634	366	1,1860	213	**9,161**
Impaired Driving	406	191	203	252	404	178	**3,672**

Other Criminal Code	165	103	149	119	723	97	**2,981**
Unknown	0	1	0	0	0	0	**1**
TOTALS	**2,552**	**1,367**	**2,067**	**1,668**	**5,715**	**1,173**	**35,316**

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Provincial Statute Cases Prosecuted by Office by Category of Offence

	Motor Vehicle Act	Liquor Control Act	Other Provincial Statutes	TOTAL CASES
Halifax	872	56	220	**1,148**
Dartmouth	313	5	65	**383**
Amherst	113	39	54	**206**
New Glasgow	146	47	65	**258**
Truro	360	40	65	**469**
Antigonish	119	23	40	**182**
Kentville	448	79	59	**586**
Digby	204	25	50	**279**
Yarmouth	177	59	71	**307**
Bridgewater	316	39	111	**466**
Sydney	254	55	82	**391**
Port Hawkesbury	88	18	47	**153**
TOTAL	**3,410**	**485**	**933**	**4,828**

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